

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM  
Section 7: Rio Brazos

**WITHDRAWAL OF MOTION FOR DEFAULT JUDGMENT  
AND MOTION TO SET ASIDE ENTRY OF DEFAULT**

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and hereby withdraws the Motion for Default Judgment filed May 25, 2005 (Doc. No. 7903) with respect to the Defendants named below and, pursuant to Fed. R. Civ. P. 55(c), respectfully requests the Court to set aside the entry of default for these same Defendants in the Rio Brazos subsection of Section 7:

Lilly Bateman                      CHRB-003-0014

Debra Patricia Martinez        CHRB-003-0016

Larry Martinez                   CHRB-004-0011

Jose B. Cordova                  CHRB-004-0029

Pedro Romero                    CHRB-005-0019

As grounds therefore Plaintiff states:

1.        The Clerk’s Certificate of Default with respect to the above-named defendants was entered on January 18, 2005 (Docket No. 7713).

2. The above-named defendants have recently contacted the State to discuss the State's offer concerning their water rights in Section 7. They have signed the State's proposed Consent Order and forwarded the approved order to the State, or have requested that the State send them an additional copy of the proposed order to review.

3. Good cause exists to set aside the entry of default with respect to the defendants named above.

WHEREFORE, the Plaintiff State of New Mexico *ex rel.* State Engineer hereby withdraws its Motion for Default Judgment filed May 25, 2005 with respect to Defendants Lilly Bateman, Debra Patricia Martinez, Larry Martinez, Jose B. Cordova and Pedro Romero, and requests the Court to set aside the entry of default for these same defendants.

DATED: June 21, 2005

Respectfully submitted,

/s/ Ed Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General  
Office of State Engineer  
P.O. Box 25102  
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(505) 827-6150

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the above Withdrawal of Motion for Default Judgment and Motion to Set Aside Entry of Default were mailed to following persons on June 21, 2005.

/s/ Ed Newville

Edward G. Newville

**RIO CHAMA SECTION 7 SERVICE LIST**

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